



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/681,023      | 10/08/2003  | Samuel King          | 370.1001            | 6189             |

23280 7590 03/10/2005

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 SEVENTH AVENUE, 14TH FLOOR  
NEW YORK, NY 10018

EXAMINER

BLOUNT, ERIC

ART UNIT PAPER NUMBER

2636

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/681,023

**Applicant(s)**

KING, SAMUEL

**Examiner**

Eric M. Blount

**Art Unit**

2636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>10082003</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5, 8-13, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Murphy [U.S. Patent No. 5576739].

Regarding **claim 1**, Murphy discloses an intelligent warning system that comprises a detector, a control circuit operably connected to the detector, an alarm operably connected to the control circuit, and a ventilation system operably connected to the control circuit (Figure 6 and column 4, line 60 – column 5, line 5). The control circuit receives data from the detector and activates the alarm and ventilation system as a function of the data (column 5, lines 25-48). It is inherent that a ventilation system includes at least one vent and a fan.

As for **claim 5**, Murphy teaches that the alarm may comprise audio and visual alarm means (column 5, lines 27-29).

As for **claims 8-13**, Murphy discloses a system that comprises a garage door opener module connected to the control circuit of the intelligent warning system. The operation module is constructed and arranged to operate the garage door to which it is attached and the module may operate at the direction of the control circuit (column 3, lines 35-63). Murphy discloses that the module

Art Unit: 2636

connected to the control circuit may be furnace, ventilation, or water heater modules (column 4, lines 7-10 and lines 28-33).

As for **claim 15**, the control circuit is a processor (Figure 6, reference sign 15).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-4, 7, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to the claim 1 above and further in view of Bachinski et al [U.S. Patent No. 6774802].

Regarding **claim 2**, Murphy does not specifically disclose increasing ventilation in response to carbon monoxide detection or contacting emergency services.

In an analogous art, Bachinski discloses an intelligent warning system that is capable of shutting ventilation in response to smoke detection (column 4, lines 25-33). Bachinski's example describes a carbon monoxide detector; however, the inventors disclose the system is capable of detecting other contaminants including smoke (column 3, lines 8-15). The ventilation system is viewed as an appliance that contributes to smoke contamination and that could be controlled to

Art Unit: 2636

be deactivated as it is in the Murphy reference. Ventilation can be increased in response to the detection of carbon monoxide (column 5, lines 52-59 and column 6, lines 6-8). Bachinski also discloses that emergency services can be contacted in response to smoke or carbon monoxide (column 7, lines 36-50) and that an alarm may be activated (column 7, lines 63-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant to combine the intelligent system of Murphy with the intelligent system of Bachinski because a combination would result in a system capable of detecting plural contaminants and activating and/or deactivating devices such as a ventilation system in response to the level of the detected contaminants.

Regarding **claim 3**, Murphy discloses that a garage door can be opened and a furnace shut down in response to carbon monoxide detection (column 2, lines 57-60). Bachinski teaches that a gas furnace and a water heater may be shut down in response to carbon monoxide detection (column 4, lines 35-54). It would have been obvious to one of ordinary skill in the art that several actions could have been taken in response to the detection of an air contaminate. These actions can be viewed as a matter of design.

As for **claim 4**, Bachinski discloses that emergency personnel may be contacted by the intelligent warning system. A plurality of numbers may be stored in memory and used to alert emergency services of a situation (column 7, lines 35-62). It would have been obvious to one of ordinary skill in the art that any number of emergency services could be contacted in response to an

Art Unit: 2636

situation. Contacting the police department, fire department, and a treatment center can be viewed as one of many design choices that could be used in the system.

As for **claim 7**, Bachinski reasonably appears to disclose a ventilation system that comprises a number of vents and an exhaust fan (column 5, line 60 – column 6, line 10). It is known in the art that a ventilation system may include several vents. The blower taught by Bachinski is interpreted as an exhaust fan.

As for **claim 14**, Bachinski discloses a system wherein detectors are located at various zones of a monitored area. Each detector transmits and receives information to and from a central processor. It is obvious that each detector provides location data to the central processor. The location data is in the form of a detector identification number or zone number.

Regarding **claim 16**, Murphy teaches a method of shutting down ventilation in response to smoke detection in monitored location. Bachinski discloses a system wherein detectors are located at various zones of a monitored area. Each detector communicates with a control circuit that is in communication with activation, deactivation, and notification devices (column 2, line 15 – column 3, line 15). It would have been obvious to one of ordinary skill in the art at the time of the invention by the applicant that if a detector detected a high level of smoke in a particular zone, the ventilation in that zone would be shut. Likewise, it would have been obvious that if a high level of carbon monoxide was detected in a different zone that the ventilation would be increased in that zone. This type of system would be able to decrease the

Art Unit: 2636

amount of a particulate or gas contamination in an area (column 1, lines 5-11). It has been noted above that the system is capable of contacting emergency services.

5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Murphy as applied to the claim 1 above and further in view of Logan Jr. et al [U.S. Patent No. 4489308].

Regarding **claim 6**, Murphy does not teach the use of strobe lights as a visual alarm. In an analogous art, Logan Jr. discloses the use of strobe lights along with a smoke detector (column 2, lines 10-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the strobe lights taught by Logan Jr to the visual warning taught by Murphy because a combination would result in a device capable of directing onlookers in the vicinity of the detector to safety.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Blount whose telephone number is (571) 272-2973. The examiner can normally be reached on 8:00 am - 4:00 pm.

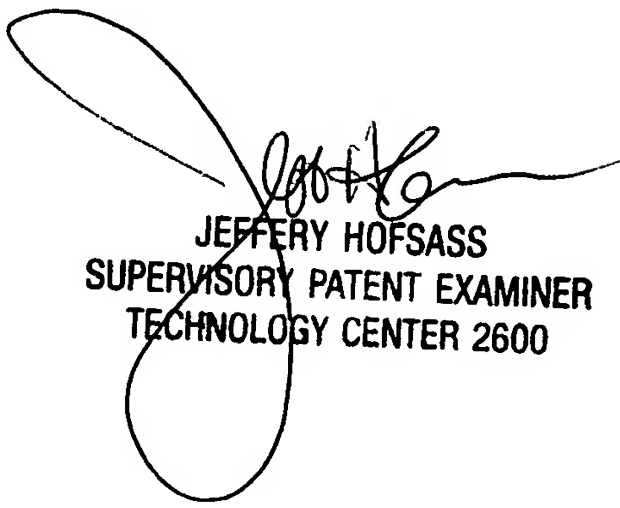
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Hofsass can be reached on (571) 272-2981. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2636

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eric M. Blount  
Examiner  
Art Unit 2636

\*\*\*



JEFFERY HOFSSASS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600